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JUSTICE FOR ENVIRONMENT AND NATURAL RESOURCES (JWEBB)

SENSITIVE

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SUBJECT: USAID-SUPPORTED WILDLIFE ENFORCEMENT CONFERENCE HIGHLIGHTS  
WEAKNESSES IN VIETNAMESE EFFORTS

REF: A) 07 HANOI 1763; B) HANOI 398; C) HCMC 156

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**¶11. (SBU)** Summary. A recent USAID-supported workshop on the prevention of wildlife trafficking detailed the massive scope of the problem but a lack of enthusiasm from Vietnamese attendees showed that signatures on international conventions and the passage of wildlife protection laws will not be enough without Vietnamese engagement at the political level. Official corruption, a lack of coordination between enforcement agencies and small fines hinder prosecution of wildlife crimes. End Summary.

**¶12. (U)** On August 21-22, 2008, EmbOffs joined Vietnamese prosecutors, judges, and environmental police and their Thai, Malaysian and Indonesian counterparts in Hoa Binh for a "Workshop on Preventing and Combating Wildlife Crime" to share information about regional wildlife trafficking, wildlife crimes in Vietnam, and challenges facing Vietnamese efforts to respond to wildlife smuggling. John Webb from the Environmental Crimes Section of the U.S. Department of Justice indicated the urgency of the problem as Southeast Asia serves as a hotspot for the multi-billion dollar, international wildlife trade. With smuggling routes well-established from drug and human trafficking networks and rich bio-diversity, ASEAN countries act as an efficient exporter to China, the United States, the European Union, and Japan. Wildlife trafficking rings within Southeast Asia also procure animal products from outside the region, such as rhinoceros horns and elephant tusks from Africa, which they ship around the world using regional air and sea hubs, particularly Bangkok. Internet shopping and overnight delivery services facilitate quick and easy shipment of endangered species, and require a coordinated regional and international response to combat it.

Wildlife Smuggling Remains Rampant in Vietnam

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**¶13. (U)** According to the Vietnam office of INTERPOL, illegally traded wildlife in Vietnam primarily consists of pangolins, various species of rare snakes, and monkeys, with an annual value in the tens of millions dollars (Ref A). Normally transported alive, many animals die in transit due to poor care and exposure to non-native environments. Within Vietnam, the lucrative illegal wildlife trade attracts a diverse group of participants, ranging from farmers and underemployed rural villagers to high-ranking government officials and well-connected trading companies.

**¶4. (U)** Focused on meeting local consumer demand and linking up with international smuggling routes, the illegal wildlife trade centers on Hanoi, Ho Chi Minh City and border provinces. The Vietnamese Environment Police Department (EPD) identified several main wildlife transportation routes: by road or rail from Hanoi north to the cities of Lang Son (Ref B) and Mong Cai on the Chinese border, and from the western borders with Cambodia to Ho Chi Minh City. Once near the border, wildlife smugglers take advantage of mountainous, sparsely populated topography to enter into China. At other times, well-organized rings use compromised government officials, members of social organizations, or organized crime syndicates to pass through border posts.

GVN Offices Involved in the Fight  
Against Wildlife Trafficking

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**¶5. (U)** The Convention on International Trade in Endangered Species (CITES) Management Authority, within the Forest Protection Department (FPD) of the Ministry of Agriculture and Rural Development (MARD) has the lead in implementing CITES in Vietnam, licensing and managing captive wildlife breeding farms, and issuing or revoking CITES certificate, CITES permit, the export/import license of samples of rare and valuable wildlife. Customs forces directly involved in the fight against these crimes include the Smuggling Investigation Department (SID). In November 2006, the Ministry of Public Security established the EPD, which has offices in all 64 provinces and nearly 2,000 staff to prevent and investigate environmental crimes. According to Colonel Luong Minh Thao, EPD's Deputy Director General, EPD has probed over 200 cases and initiated nearly 100 formal investigations of violations of Vietnamese environmental laws, including wildlife statutes.

**¶6. (U)** According to Mr. Nguyen Manh Hien, Director of Department 1 of the Supreme People's Procuracy, the GVN response remains

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uncoordinated. The various entities with a stake in protecting wildlife - MARD, Customs, local People's Committees, local police, and the Ministry of Natural Resources and Environment (MONRE) often fail to communicate with one another. High ranking officials within these bodies do not see wildlife protection as a priority (or profit from its continuance). According to Dr. Pham Loi, Deputy Director General of the Institute for Law Science, GVN law enforcement officials consider the investigation of drug- or terrorism- related cases more important and focus their limited resources in these areas. Additionally, many customs authorities lack the awareness and training to identify illegal wildlife shipments and invalid certificates.

**¶7. (U)** Despite its weaknesses, according to statistics from the Supreme People's Procuracy, from 2000 through 2008, authorities initiated 600 formal wildlife crime investigations targeting 865 persons, resulting in 481 prosecutions of 776 defendants. Reflecting the transnational nature of the problem, most prosecutions take place in provinces bordering China, Laos or Cambodia, especially Lang Son, Quang Ninh, Ninh Binh, Thanh Hoa, Nghe An, Dac Lak, Lam Dong and Tay Ninh.

**¶8. (U)** Vietnamese officials face roadblocks to investigations and prosecutions. A senior EPD official noted that the existing Penal Code does not allow his agency to temporarily arrest suspects, keep relevant exhibits or issue search warrants. According to Nguyen Van Hien, Deputy Director of the Penal Legislation Department of the Institute for Law Science within the Ministry of Justice, although the GVN has issued many laws and decrees regulating wildlife crimes, many legal loopholes exist. For example, in violation of the CITES Convention, many farms have been established in Vietnam for captive breeding of bears, monkeys, and tigers (Ref C). Yet, officials have not punished violators as these actions are not explicitly regulated in the existing Penal Code. Similarly, the Penal Code requires "serious consequences" or identifiable damages (in terms of value of the involved wildlife) be identified prior to authorizing prosecution. Unable to answer these questions, wildlife protection officials remained stymied. Even when investigations lead to

prosecutions and convictions, sanctions for wildlife crimes remain too small to deter violations. For the illegal exploitation of protected forests, natural resources and animals, fines range from around USD 300 to USD 3,000 - a small fraction of the profits offenders can enjoy from illegal wildlife trade. Many prominent or well-connected violators avoid even these small fines. Though Vietnamese law authorizes imprisonment, almost no violators ever see the inside of a jail cell.

PALMER